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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 95,1408-CCC)

PATENT

In the application of:

Kellogg *et al.*

Serial No. 09/624,777

Filed: July 25, 2000

For: Capillary Microvalves

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Before the Examiner:
J. Ludlow

Group Art Unit: 1743

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached

Response to Restriction Requirement and return postcard

2. No additional fee is required.

3. GENERAL AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 herein above, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of April 2004.

By:

Kevin E. Noonan, Ph.D.
Reg No. 35,303



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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement mailed March 26, 2004, Applicant elects to prosecute Claims 1-4, designated as Group I by the Examiner. Applicants' election is with traverse

Applicants respectfully request that the Examiner reconsider the instant Restriction Requirement. Applicants respectfully contend that it would impose no undue hardship on the Patent and Trademark Office to examine the invention of claims 5-6 along with the elected claims, particularly in view of the relationship between these inventions. This relatedness is indicated, *inter alia*, by the classification of both the inventions of Groups I and II in Class 422, subclass 72. Thus, a search of the relevant art as identified by Patent and Trademark Office would reveal art relating the inventions of Groups I and II without requiring additional searching or other undue hardship on the Office.

If the Examiner in charge of this application believes it to be helpful, she is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Date: April 26, 2004

By:

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Kevin E. Noonan, Ph.D.
Reg. No. 35,303